

REMARKS

Claims 1-7 were presented for examination in the present application. The instant amendment cancels claim 7. Thus, claims 1-6 remain pending upon entry of the instant amendment, which is respectfully requested. Claim 1 is independent.

Applicant wishes to thank the Examiner for his time on November 4, 2008 to discuss the present application and respectfully request that, if for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Claim 1 has been amended to correct an obvious error. Applicant submits that this amendment merely makes explicit what had been implicit in the claim.

Claim 5 was rejected under 35 U.S.C. §112, second paragraph. Claim 5 has been amended to obviate this rejection. Applicant submits that this amendment merely makes explicit what had been implicit in the claim. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-6 were rejected under 35 U.S.C. §103 over Canadian Publication No. 20303466A1 to Loen et al. (Loen) in view of U.S. Patent No. 5,937,160 to Davis et al (Davis). Applicant respectfully traverses this rejection.

The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) where in evidence, so-called secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). See also *KSR*, 127 S.Ct. at 1734 ("While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.")

Applicants respectfully submit that the Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness because the Office Action has failed to determine the level of skill in the art.

Presuming *arguendo* that the references show the elements or concepts urged by the Office Action, the Office Action has presented no line of reasoning, and we know of none, as to *who* one skilled in the art is or why that person viewing the collective teachings of Loen and Davis would have found it obvious to selectively pick and choose various elements and/or concepts from these references to arrive at the claimed invention.

In view the failure to establish a *prima facie* case of obviousness, Applicant respectfully requests reconsideration and withdrawal of the finality of the outstanding Office Action and entry of the instant amendment.

Notwithstanding the above, Applicant submits that the proposed combination fails to disclose or suggest the elements of claim 1.

Independent claim 1 is directed to a system for automatically updating a home page that includes, in part, "a schedule database storing schedule data relating to the HTML document data" and "a patrol search unit".

The proposed combination of Loen and Davis fails to disclose or suggest the combination claimed of both a schedule database and patrol search unit.

The Office Action asserts that the "scheduling" of Loen discloses the claimed "schedule database". However, the Office Action also asserts that the "scheduling" of Loen discloses the claimed "patrol search unit". As such, Applicant submits that the Office Action has impermissibly read the "scheduling" of Loen on two separate claim elements.

Further, Applicants submit that the “scheduling” of Loen fails to disclose or suggest the claimed “patrol search unit”. More particularly, claim 1 recites “a patrol search unit patrolling the mail server, the update terminal, the home page database, and the schedule database to search and extract data relating the update of the HTML document data in accordance with a patrol order of the mail server, the update terminal, the home page database, and the schedule database, a patrol timing, and a number of times that patrol is to be carried out, which are determined based on the order of priority for accessing the mail server, the home page database, the update terminal, and the schedule database (emphasis added)”.

Accordingly, claim 1 requires that the claimed patrol search unit patrol not only the schedule data base, but also the mail server, the update terminal, and the home page database and does so to search and extract data relating the update of the HTML document data.

In contrast, the scheduling of Loen merely allows web page developers to schedule events to occur at any time during a schedule. Thus, the scheduling of Loen merely executes a schedule that is entered by a web developer but simply fails to disclose or suggest patrolling the schedule data base, the mail server, the update terminal, and the home page database as claimed.

Further, the proposed combination of Loen and Davis fails to disclose or suggest the claimed “a patrol search unit patrolling the mail server”.

The Office Action acknowledges that the primary reference, Loen, fails to disclose or suggest the “mail server” of claim 1. Rather, the Office Action asserts that Davis discloses the claimed “mailer server”. Accordingly, even though the Office Action acknowledges that Loen fails to disclose or suggest a “mail server”, the Office Action none-the-less asserts that Loen discloses “a patrol search unit patrolling the mail server”.

Applicants submit that the Office Action has failed to establish how Loen teaches “a patrol search unit patrolling the mail server” when to fails to teach a “mail server” at all.

During the interview, the Examiner asserted that Loen discloses that the scheduling is customizable, even to the point of changing the “source” and that therefore it would be obvious to customize this scheduling to search a mail server, such as that disclosed in Davis.

Applicant respectfully disagrees.

Loen discloses, at least in Table 1, that events in one region of the web page can be a “trigger” for an event in another region. Here, Loen discloses that “change source” can be a region to change the source file for a region. Applicant submits that changing the source of data for a region as disclosed by Loen simply fails to disclose or suggest modifying the system of Loen to the extent necessary to search non-existent mail server as asserted by the Examiner.

Also, even though the Office Action acknowledges that Loen fails to disclose or suggest a “mail server”, the Office Action none-the-less asserts that Loen discloses searching and extracting “data relating the update of the HTML document data in accordance with a patrol order of the mail server”.

Applicant submits that the Office Action has failed to establish how Loen teaches searching and extracting data “in accordance with a patrol order of the mail server” when to fails to teach a “mail server” at all.

Accordingly, Loen does not disclose or suggest a patrol search unit patrols at all, let alone such a unit that patrols the mail server, the update terminal, the home page database, and the schedule database to search for and extract data relating the update

of the HTML document data as recited in claim 1.

Moreover, Applicants submit that the claimed combination does much more than yield predictable results. Specifically, the combination recited by claim 1 provides a system that automatically updates display items regarding a participant in a home page managed by a manager in accordance with a mail from the participant or update items prepared by the manager. Present claim 1 offers convenience to the manager or participant in the home page with respect to updating the home page, results that simply can not be predicted by one skilled in the art viewing the collective teachings of Loen and Davis.

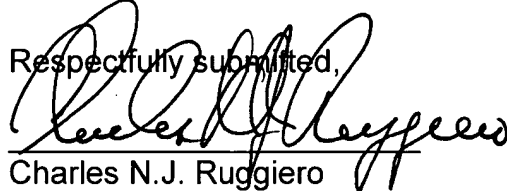
Accordingly, Applicant submits that the Office Action has failed to establish a prima facie case of obviousness, has failed to establish that the proposed combination discloses all of the elements recited by claim 1, and has failed to establish or even assert that the combination recited by claim 1 fails to produce new and unpredictable results. As such, Applicant submits that claim 1, as well as claims 2-6 that depend therefrom are allowable over the proposed combination of cited art. Reconsideration and withdrawal of the rejection to claims 1-6 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for issuance. Such action is solicited.

In the alternative, Applicant submits that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment, at least for the purposes of appeal, are respectfully requested.

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Respectfully submitted,



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